



PATENT
Attorney Docket No. 23435-004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Randall B. METCALF CONFIRMATION NO.: 3143
SERIAL NUMBER : 08/749,766 EXAMINER : D. Swerdlow
FILING DATE : November 20, 1996 ART UNIT : 2644
FOR : Sound System and Method for Capturing and Reproducing Sounds
Originating From a Plurality of Sound Sources

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MAY 18 2004

Technology Center 2600

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

1. Transmittal Letter (in duplicate);
2. Statement;
3. Notice of Appeal (in duplicate); and
4. Check in the amount of \$165.00.

Our check for \$165.00 is enclosed covering any required fees. In the event any variance exists between the amount enclosed and the Patent and Trademark Office charges, please charge or credit the difference to our Deposit Account 50-0311, Reference No. 23435-004. A duplicate copy of this letter is enclosed for that purpose.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at (703) 464-4800.

Dated: May 13, 2004

Respectfully submitted,

James G. Gatto
Registration No.: 32,694
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND
POPEO P.C.
12010 Sunset Hills Road, Suite 900
Reston, Virginia 20190
703-464-4800

Customer Number
29315



PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031

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NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
23435-004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on _____.

Signature _____

Typed or printed Name _____

In re Application of

Randall B. METCALF

Application Number

08/749,766

Filed

November 20, 1996

For: Sound System and Method for Capturing and Reproducing Sounds Originating From a Plurality of Sound Sources

Group Art Unit
2644Examiner
Daniel Swerdlow

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Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

MAY 18 2004

The fee for this Notice of Appeal is (37 CFR 1.17(b))

Technology Center 2600 \$330.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$165.00.

A check in the amount of the fee is enclosed.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0311. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record.

attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

Signature

James G. Gatto Reg. No. 32,694

Typed or printed name

May 13, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Application Serial No.: 08/749,766
Attorney Docket No.: 23435-004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Randall B. METCALF

CONFIRMATION No.: 3143

SERIAL NUMBER : 08/749,766

EXAMINER : Daniel Swerdlow

FILING DATE : November 20, 1996

ART UNIT : 2644

FOR : SOUND SYSTEM AND METHOD FOR CAPTURING AND REPRODUCING
SOUNDS ORIGINATING FROM A PLURALITY OF SOUND SOURCES

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STATEMENT

MAY 18 2004

Technology Center 2600

Dear Sir:

Pursuant to 37 C.F.R. § 1.191, Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Examiner's May 10, 2004 Office Action finally rejecting all claims in the above-identified application. Each rejection of each claim is hereby appealed.

Dated: May 13, 2004

Respectfully submitted,

Customer Number
29315

James G. Gatto
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